

EXHIBIT

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Colville, Michael (USAPAW)

From: Colville, Michael (USAPAW)
Sent: Monday, July 03, 2006 10:15 AM
To: lkerr@bwc-law.com
Subject: Fix case

Larry, I wanted to touch base with you before I leave for vacation this Friday, July 7th and before my return on July 16th.

I have reviewed Dr. Felder's reports with my experts and they have noted that Dr. Felder's reports are not persuasive and appear to be equivocal as to Lyme v. MS. As you know we are scheduled to attend a settlement conference with Judge Baxter on Tuesday, July 18th. In this regard, are there any other test results that are outstanding? Did Mr. Fix have a lumbar puncture? (It looks like Dr. Felder references a LP in his May 30th report/letter) If so, could you send me the results??

As I mentioned to you previously, unless there is some smoking gun or test result that definitively diagnoses Lyme, I do not foresee any possibility of settlement other than a nuisance settlement. As such, and assuming that you are not willing to accept such a settlement, maybe we should let the Judge know that settlement is not likely and that we should schedule the case for trial. Do you agree???

Please let me know as I will be in and out of the office much of this week and will be away all next week on vacation.

Thanks, Larry, --Mike